

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated June 5, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-4, 7-11, and 27-28 are subject to a restriction and/or election requirement by the Examiner. Claims 5-6, 12 and 17 were previously cancelled by Applicant. Claims 1-4, 7-11, and 27-28 remain pending in the application and are shown above.

The Examiner asserts that a restriction of the claimed invention is required under 35 U.S.C. § 121 and the claims are directed to the following patentably Groups:

- I.
 - I. Claims 1-4, 7-11, and 27-28, are drawn to a method and apparatus for pushing a transaction request from a remote electronic transaction system to a portable electronic authorization device, classified in class 705, subclass 51.
- II. Claims 13-16 and 18-26, are drawn to a method for automatic ordering from a remote merchant server including entering and accumulating product information on the portable electronic authorization device, classified in class 713, subclass 200.

Applicant provisionally elects Group I, with traverse. Applicants submit that the restriction requirement does not comply with MPEP §803, which states "if the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions". A search of the on-line Manual of Classification indicated 775 patents in Class 705, subclass 51. Subclass 200 in Class 713 could not be found and a search for patents classified in 713/200 comes up with zero. Clearly there would be no "serious burden" on the Examiner to search all the claims.

Having addressed all issues set out in the Restriction Requirement, withdrawal of the Restriction Action is respectfully requested. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,



James A. Sheridan
Registration No. 25,435
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Agent for Applicant(s)